

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO. 5:21-cv-00125-MR-WCM

SHANNON JOHNSON IKARD,)

Plaintiff,)

VS.

ORDER

**KILOLOL KIJAKAZI, Acting
Commissioner of Social Security,**

Defendant.)

THIS MATTER is before the Court on the Plaintiff's Motion for Judgment on the Pleadings [Doc. 10]; the Commissioner's Motion for Summary Judgment [Doc. 12]; the Magistrate Judge's Memorandum and Recommendation regarding the disposition of those motions [Doc. 14]; and the Commissioner's Objections to the Memorandum and Recommendation [Doc. 15].

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the District Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider these pending motions in the above-

captioned action and to submit to this Court a recommendation for the disposition of these motions.

On August 30, 2022, the Magistrate Judge entered a Memorandum and Recommendation [Doc. 14], recommending that this Court reverse the decision of the Commissioner of Social Security and remand for further proceedings. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Commissioner timely filed Objections on September 6, 2022. [Doc. 15]. The Plaintiff filed a Reply on September 20, 2022. [Doc. 16].

After careful consideration of the Magistrate Judge's Memorandum and Recommendation [Doc. 14] and the Commissioner's Objections thereto [Doc. 21], the Court finds that the Magistrate Judge's proposed findings of fact are correct and that his proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Commissioner's Objections and accepts the Magistrate Judge's recommendation that the Commissioner's decision should be reversed.

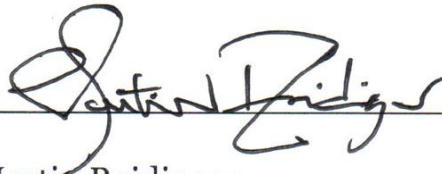
IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 14] is **ACCEPTED**; the Commissioner's Objections thereto [Doc. 15] are **OVERRULED**; the Commissioner's Motion for

Summary Judgment [Doc. 12] is **DENIED**; the Plaintiff's Motion for Judgment on the Pleadings [Doc. 10] is **GRANTED**; the decision of the Commissioner is hereby **REVERSED**; and this case is hereby **REMANDED** for further administrative proceedings, consistent with this Order.

A judgment shall be entered simultaneously herewith.

IT IS SO ORDERED.

Signed: September 22, 2022



Martin Reidinger
Chief United States District Judge

